

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CALLAWAY GOLF COMPANY, )  
                                 ) )  
Plaintiff,                 ) ) C.A. No. 06-91 (SLR)  
v.                           ) )  
ACUSHNET COMPANY,         ) )  
                                 ) )  
Defendant.                 ) )

**ACUSHNET COMPANY'S CONTINGENT MOTION TO STAY  
ANY PERMANENT INJUNCTION PENDING APPEAL**

If the Court reaches Callaway's permanent injunction motion,<sup>1</sup> and if the Court, in considering Callaway's motion, grants any of Callaway's request for injunctive relief, Acushnet respectfully moves that any injunction be stayed pending the appeal of the validity issues now before the Court. The grounds for this motion are fully set forth in the accompanying opening brief in support. Pursuant to L.R. 7.1.1., counsel have conferred about the relief sought in this motion, and Callaway would not consent to the relief sought by Acushnet.

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<sup>1</sup> Callaway's motion for permanent injunction should be mooted if the Court grants either form of relief sought in Acushnet's renewed motion for judgment as a matter of law or, in the alternative, a motion for a new trial. See D.I. 417.

Respectfully submitted,

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Dated: February 25, 2008  
850524 / 30030

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**CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on February 25, 2008, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on February 25, 2008, the attached document was Electronically Mailed to the following person(s):

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